

1 RENE L. VALLADARES
Federal Public Defender
2 Nevada State Bar No. 11479
ROBERT O'BRIEN
3 Assistant Federal Public Defender
411 E. Bonneville, Ste. 250
4 Las Vegas, Nevada 89101
(702) 388-6577/Phone
5 Robert_O'Brien@fd.org
6 Attorney for John Graham McAllister

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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 v.
13 JOHN GRAHAM MCALLISTER,
14 Defendant.

Case No. 2:21-mj-00001-NJK

**STIPULATION TO CONTINUE
BENCH TRIAL**
(First Request)

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16 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.
17 Trutanich, United States Attorney, and Christopher Burton, Special Assistant United States
18 Attorney, counsel for the United States of America, and Rene L. Valladares, Federal Public
19 Defender, and Robert O'Brien, Assistant Federal Public Defender, counsel for John Graham
20 McAllister, that the bench trial currently scheduled on February 10, 2021, be vacated and
21 continued to a date and time convenient to the Court, but no sooner than ninety (90) days.

22 This Stipulation is entered into for the following reasons:

- 23 1. Counsel needs additional time to conduct investigation in this case.
24 2. The defendant is currently housed in a mental institution in California and agrees with
25 the need for the continuance.
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2 3. The parties agree to the continuance.

3 This is the first request for a continuance of the bench trial.
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5 February 4, 2021.
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7 RENE L. VALLADARES
Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

9 By Robert O'Brien

By Rachel Kent

10 ROBERT O'BRIEN
11 Assistant Federal Public Defender

RACHEL KENT
Special Assistant United States Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN GRAHAM MCALLISTER,

Defendant.

Case No. 2:21-mj-00001-NJK

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel needs additional time to conduct investigation in this case.
2. The defendant is currently housed in a mental institution in California and agrees with the need for the continuance.
3. The parties agree to the continuance.

This is the first request for a continuance of the bench trial.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the

1 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
2 account the exercise of due diligence.

3 The continuance sought herein is excludable under the Speedy Trial Act, Title 18,
4 United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18,
5 United States Code, § 316(h)(7)(B)(iv).

6 **ORDER**

7 IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday,
8 February 10, 2021, at 9:00 a.m., be vacated and continued to May 26, 2021, at 9:00 a.m., in
9 Courtroom 3C.

10 DATED this 4th day of February, 2021.

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14 UNITED STATES MAGISTRATE JUDGE
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